

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLE: Material Terms in Advertisements

RULE NO.: 5J-14.001

PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.001, F.A.C., is to define what material terms shall be required in any advertising copy for game promotion rules and regulations.

SUBJECT AREA TO BE ADDRESSED: Rule 5J-14.001, F.A.C., sets material terms for game promotion rules and regulations to be used in advertising.

SPECIFIC AUTHORITY: 849.094(8), 570.07(23) FS.

LAW IMPLEMENTED: 849.094(3) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., September 13, 2005

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-14.001 Material Terms in Advertisements.

For purposes of Section 849.094(3), Florida Statutes, any advertising copy shall include the following material terms in the game promotion's rules and regulations:

- (1) Name of the operator and game promotion;
(2) That no purchase is necessary to enter or play the game promotion;
(3) Start and end dates for entering the game promotion, consistent with the official full rules and regulations, including exact times if applicable;
(4) Who is eligible or not eligible to participate in the game promotion, with respect to age or geographic location;
(5) Disclosure of where the game promotion is void.

Specific Authority 849.094(8), 570.07(23) FS. Law Implemented 849.094(3) FS. History-New _____

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Course Requirements – Grades 6-12 Basic and Adult Secondary Programs

RULE NO.: 6A-1.09412

PURPOSE AND EFFECT: The purpose of this rule development is to incorporate the course descriptions of new courses into the "Course Code Directory and Instructional Personnel Assignments" for 2006-2007, as required in SBE subsection 6A-1.09441(5), F.A.C. Courses in art, social sciences, and foreign languages are added to the Course Code Directory to allow districts to receive funding. Certification areas for courses in reading have been amended to align with teacher certification requirements. Revisions to the narrative section were made to align course requirements with state law and federal regulations.

SUBJECT AREA TO BE ADDRESSED: These new courses and course descriptions direct school and district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the "Course Code Directory and Instructional Personnel Assignments" and ensure consistency and alignment with the Sunshine State Standards.

SPECIFIC AUTHORITY: 1011.62 FS.

LAW IMPLEMENTED: 1011.62(1)(r), 1001.03(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Mary Jo Butler, Educational Policy Consultant, K12 Student Achievement, 325 West Gaines Street, Room 514, Tallahassee, Florida, (850)245-9939

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

RULE NO.: 6A-1.09441

PURPOSE AND EFFECT: The purpose of this rule development is to obtain approval of the "Course Code Directory and Instructional Personnel Assignments" for

2006-2007, as required in subsection 6A-1.09441(5), F.A.C. This rule provides specific conditions for which students may earn credit toward high school graduation and for which the courses are funded through the Florida Education Finance Program (FEFP). Courses in art, social sciences, and foreign language are added to the Course Code Directory to allow districts to receive funding. Certification areas for courses in reading have been amended to align with teacher certification requirements. Revisions to the narrative section were made to align course requirements with state law and federal regulations.

SUBJECT AREA TO BE ADDRESSED: Revisions to the "Course Code Directory and Instructional Personnel Assignments" were made to include new courses, align courses, teacher certification, and narrative section to recent changes in teacher certification, state laws, and federal regulations.

SPECIFIC AUTHORITY: 1011.62 FS.

LAW IMPLEMENTED: 1011.62 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Jo Butler, Educational Policy Consultant, K12 Student Achievement, 325 West Gaines Street, Room 514, Tallahassee, Florida, (850)245-9939

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Highway Traffic Safety Program	14-98
RULE TITLES:	RULE NOS.:
Application and Award Procedures	14-98.005
Forms	14-98.008

PURPOSE AND EFFECT: Subsections 14-98.005(7),(10) and 14-98.008(6), F.A.C., are amended because of a revision to the Subgrant Application for Highway Safety Funds, Form 500-065-01. Specifically, the form is revised to add a reference to the Department's DUNS Number on the bottom of the first page and to add specific language relating to the audit and retention of records (Criteria 14 and 15) of Part V.

SUBJECT AREA TO BE ADDRESSED: Subsection 14-98.008(6), F.A.C., is amended to incorporate by reference a revised version of the Subgrant Application for Highway

Safety Funds, Form 500-065-01. Specifically, the form is revised to add a reference to the Department's DUNS Number on the bottom of the first page and to add specific language relating to the audit and retention of records (Criteria 14 and 15) of Part V. Subsections 14-98.005(7) and (10), F.A.C., also are being amended to update the revision date references to the same form.

SPECIFIC AUTHORITY: 334.044(2),(25) FS.

LAW IMPLEMENTED: 334.044(25) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-98.005 Application and Award Procedures.

(1) through (6) No change.

(7) Two copies of the application form, Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. ~~09/05~~ ~~05/04~~, will be sent to those applicants whose concept papers are selected for funding. Applicants whose concept papers were not selected for funding will be notified by the Office.

(8) through (9) No change.

(10) The Office shall review all applications and will reject any applications not meeting the requirements of these rules and applicable Federal and State laws, within ten working days of receipt of said applications. In the event that an applicant submits a Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. ~~09/05~~ ~~05/04~~, for an activity that is not included in the Highway Safety Plan, the application shall be rejected. Failure to reject any application within ten days shall not result in the automatic award of a subgrant. All subgrants are subject to funds availability.

(11) No change.

Specific Authority 334.044(2) FS. Law Implemented 334.044(25) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.05, 9B-32.005, Amended 11-19-89, Formerly 9G-15.005, Amended 12-7-93, 11-29-94, 1-17-99, 4-16-02, 8-6-02, 11-2-03, 8-24-04, _____.

14-98.008 Forms.

The following forms used in the Highway Traffic Safety Program are hereby incorporated by reference:

(1) through (5) No change.

(6) Subgrant Application for Highway Safety Funds – FDOT Form 500-065-01, Rev. ~~09/05~~ ~~05/04~~.

(7) through (8) No change.

Specific Authority 334.044(2),(25) FS. Law Implemented 334.044(25) FS. History—New 6-10-85, Formerly 9B-32.08, 9B-32.008, Amended 11-19-89, Formerly 9G-15.008, Amended 12-7-93, 6-14-94, 11-29-94, 4-16-02, 8-6-02, 11-2-03, 8-24-04, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLES:	RULE NOS.:
Record of Metering Devices and Metering Device Tests	25-6.022
Accuracy Requirements and Test Procedures for Metering Devices	25-6.052
Metering Device Test Plans	25-6.056
Determination of Average Meter Registration Error	25-6.058
Meter Test by Request	25-6.059
Meter Test – Referee	25-6.060
Adjustment of Bills for Meter Error	25-6.103

PURPOSE AND EFFECT: To amend the rules to clarify the calculation of meter error used in the determination of any potential refund or backbill and reflect the most current edition of the American National Standard for Electric Meters.

SUBJECT AREA TO BE ADDRESSED: Electric meter testing.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04, 366.05, 366.06 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., September 21, 2005

PLACE: Betty Easley Conference Center, Room 182, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Roland Floyd, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6676

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.022 Record of Metering Devices and Metering Device Tests.

(1) For all types of utility-performed tests, a test record shall be made whenever a unit of metering equipment is tested, but need not be retained after the equipment is again tested unless the test is made in accordance with Rule 25-6.059, F.A.C. When equipment accuracy testing is required under Rule 25-6.059, F.A.C., any record of accuracy testing for disputed equipment that is on file at the time the customer request is made under Rule 25-6.059, F.A.C., must be retained until the dispute is resolved. The record shall show information to identify the unit and its location; equipment with which the unit is associated; the date of the test; reason for the test; readings before and after the test; if the meter creeps, a statement as to the rate of creeping; a statement of the “as found” accuracy; indications showing that all required checks have been made; a statement of repairs made, if any; and identification of the person making the test. The completion of each test will signify the “as left” accuracy falls within the required limits specified in Rule 25-6.052, F.A.C., unless the meter is to be retired.

(2) No change.

(3) Records of Test for Incoming Purchases. Regardless whether the newly purchased metering equipment is tested under a Random Sampling Plan approved pursuant to Rule 25-6.056, F.A.C. each utility shall maintain and make available to the Commission for each purchase of new meters and associated devices made during the calendar or fiscal year, the following information:

(a) through (h) No change.

(4) Records of Periodic and Annual In-Service Meters Tests. Each utility shall maintain test records for each periodic and annual in-service test of electric meters and associated devices in such a manner that the information listed in paragraphs (4)(a) through (h) is readily available to the Commission on request. These data shall be maintained for units of metering equipment tested under approved Random Sampling Plans and for units tested under periodic testing programs, and shall be summarized on an annual basis.

(a) Type of equipment, including manufacturer, model number, and any features that which are currently used to classify the units tested into a population of units for in-service tests;

(b) through (i) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.05(1),(3), 366.04(2)(f) FS. History—Amended 7-29-69, Formerly 25-6.22, Amended 5-19-97, _____.

25-6.052 Accuracy Requirements and Test Procedures for and Accuracies of Consumption Metering Devices.

(1) Definitions.

(a) “Electronic Meter.” Any meter that measures electric demand or energy and displays registration using electronic components only.

(b) “Mechanical Meter.” Any meter that measures electric demand or energy and displays registration using mechanical components rather than electronic or solid-state components.

(c) “Lagged Demand (or Thermal Demand) Meter.” Any meter that indicates demand by means of thermal or mechanical devices having an approximately exponential response.

(d) “Registration Error.” The variation in kilowatts or kilowatt-hours from the true value measured by a standard or reference device.

~~(2)(1)~~ Accuracy Requirements for Watthour Meters. The performance of an in-service watthour meter shall be acceptable when the meter does not creep and the average error of registration does not exceed plus or minus two percent ~~percentage registration is not more than 102 percent nor less than 98 percent, calculated.~~ Meter registration error shall be determined in accordance with subsection Rule 25-6.058(1), F.A.C.

~~(3)(2)~~ Accuracy Requirements for Demand Meters and Registers.

(a) The performance of a mechanical or lagged demand meter or register shall be acceptable when the error of registration does not exceed four percent in terms of full-scale value, ~~when tested~~ at any point between 25 percent and 100 percent of full-scale value. Meter registration error shall be determined in accordance with paragraph 25-6.058(2)(a), F.A.C.

(b) The performance of an electronic demand meter or register shall be acceptable when the error of registration does not exceed two percent of reading, ~~when tested~~ at any point between 10 percent and 100 percent of full-scale value. Meter registration error shall be determined in accordance with paragraph 25-6.058(2)(b), F.A.C.

(c) No change.

~~(4)(3)~~ Meter Equipment Test Procedures.

(a) No change.

(b) Watthour meters and associated devices shall be tested for accuracy and adjusted in accordance with American National Standard for Electric Meters, Code for Electricity Metering (ANSI C12.1 – 2001 1995), which is incorporated into this rule by reference.

(c) Electronic ~~Totally solid-state~~ meters that compute demand from watthour meter registration and programmed demand algorithms shall be tested and adjusted in accordance with ANSI C12.1 – 2001 1995. Demand registration need not be tested, provided the meter has been inspected to contain the correct demand algorithm whenever watthour registration is tested.

~~(5)(4)~~ Test Procedures.

(a) through (b) No change.

(c) Any changes to a previously approved test procedure must be submitted to the Commission’s Division of Economic Regulation for approval. Adding a meter type to a previously approved test procedure is a change that ~~which~~ requires approval.

(d) Review of Proposed Test Procedures. Except where a utility has requested a formal ruling by the Commission, the Division of Economic Regulation shall within 90 days after submission review each utility’s proposed test procedures to determine whether they satisfy the criteria set forth in paragraphs (4)(a) and (b) above and shall notify the utility in writing of its decision accepting or rejecting the proposed procedures. If a proposed procedure is rejected, the written notice of rejection shall state clearly the reasons for rejecting the proposed procedure. If a utility’s proposed procedure is rejected, the utility shall submit a revised procedure to the Commission within 60 days after receiving the notice of rejection. Where a utility has requested staff review of its procedures and a procedure has been rejected, the utility may petition the Commission for approval of the procedure. ~~If a utility has not submitted a satisfactory procedure within six months following the submission of the initially proposed procedure, the Commission may prescribe by order a procedure for the utility.~~

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—Amended 7-29-69, Formerly 25-6.52, Amended 5-19-97, _____.

25-6.056 Metering Device Test Plans.

(1) No change.

(2) All metering device tests shall be retained in accordance with ~~by the utility and made available to the Commission pursuant to~~ Rule 25-6.022, F.A.C.

(3) New instrument transformers shall be tested before initial installation. Instrument transformers that ~~which~~ have been removed from service shall be tested prior to reinstallation if the reason for removal, physical appearance, or record of performance gives cause to doubt its reliability.

(4) All metering equipment listed in paragraph 25-6.052~~(5)(4)~~(a), F.A.C., shall be tested:

(a) Before initial and each successive installation, either by the utility or the manufacturer, with the exception of units of metering equipment that ~~which~~ are statistically sample tested by the utility under an approved Random Sampling Plan, as set forth in subsection (8); and

(b) through (5) No change.

(6) Within each population specified in an approved sampling plan or periodic test plan of mechanical or lagged demand meters, or other metering devices for which acceptability is stated in terms of full-scale value, each device shall have the same class amperage and class voltage.

~~(7)(6)~~ In-Service Testing.

(a) No change.

(b) In-service metering devices ~~that which~~ are not included in an approved Random Sampling Plan shall be tested periodically. The periodic testing schedule for equipment not included in an approved Random Sampling Plan must be approved by the Commission.

~~(8)(7)~~ Random Sampling Plans Submitted for Approval.

(a) Commission approved Random Sampling Plans ~~shall~~ ~~may~~ be used to accept or reject shipments of newly purchased equipment and to estimate the average accuracy of equipment in service.

(b) Random Sampling Plans published by the United States Department of Defense or by The American Society for Quality Control, or any other sampling plans ~~that which~~ have been approved by the Commission prior to the effective date of this rule need not be re-approved for the types of equipment for which they were approved.

(c) No change.

(d) “Variables” sampling plans ~~shall~~ ~~may~~ use either of the “known variability” or the “unknown variability” acceptance criteria. The acceptance criteria shall be appropriately modeled. Variables sampling plans shall use the population standard deviation to measure variability unless the proposed plan is accompanied by adequate justification for using another parameter.

~~(9)(8)~~ No change.

~~(10)(9)~~ Approval of Sampling Plans and In-Service Testing Schedules. All utilities subject to this rule shall submit to the Commission’s Division of Economic Regulation a proposed Random Sampling Plan for each population of metering devices for which it intends to use a random sampling plan for acceptance testing or for in-service testing, and a proposed periodic testing schedule for each population of metering devices for which it does not submit a proposed in-service random sampling plan. Sampling plans and in-service testing schedules must be reviewed and approved pursuant to subsection (11) prior to their use.

~~(11)(10)~~ Review of Proposed Test Plan. As used in this subsection, the word “plan” includes periodic testing schedules as well as Random Sampling Plans. Except where a utility has requested a formal ruling by the Commission, the Division of Economic Regulation shall within 90 days after submission review each utility’s plan to determine whether it satisfies the criteria set forth in subsections ~~(8)(7)~~ and ~~(9)(8)~~ above and shall notify the utility in writing of its decision accepting or rejecting the proposed plan. If a proposed plan is rejected, the written notice of rejection shall state clearly the reasons for rejecting the proposed plan. If a utility’s proposed plan is rejected, the utility shall submit a revised plan to the Commission within 60 days after receiving the notice of rejection. Where a utility has requested staff review of its plan and the plan has been rejected, the utility may petition the Commission for approval of the initially proposed plan. ~~If a~~

utility has not submitted a satisfactory plan within six months following the submission of the initially proposed plan, the Commission may prescribe by order a plan for the utility.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Amended 4-13-80, Formerly 25-6.56, Amended 5-19-97, _____.

25-6.058 Determination of Average Meter Registration Error.

~~Whenever a metering installation is tested and found to exceed the accuracy limits, the average error shall be determined in one of the following ways:~~

(1) Average Meter Registration Error for Watthour Registers.

~~(a)(1)~~ If the metering installation is used to measure a load which has practically constant characteristics, such as a street-lighting load, the meter shall be tested under similar conditions of load and the registration error accuracy of the meter “as found” shall be considered as the average meter error accuracy.

~~(b)(2)~~ If a single-phase metering installation is used on a varying load, the average registration error shall be determined ~~by~~ ~~in~~ one of the following methods, ways: The utility shall select the method that best fits the customer’s usage pattern.

(a) through (b) renumbered 1. through 2. No change.

~~3.(e)~~ A single point, when calculating the error of an electronic a totally solid state meter, and the single point is an accurate representation of the error over the load range of the meter.

~~(c)(3)~~ If a polyphase metering installation is used on a varying load, the average error shall be determined ~~by~~ ~~in~~ one of the following methods, ways: The utility shall select the method that best fits the customer’s usage pattern.

~~1.(a)~~ No change.

~~2.(b)~~ A single point, when calculating the error of an electronic a totally solid state meter, and the single point is an accurate representation of the error over the load range of the meter.

(2) Average Meter Registration Error for Demand Registers.

(a) For mechanical or lagged demand meters, registration error shall be determined by testing the meter at both 40 percent and 80 percent of its full-scale value, as read on the reference or standard meter, or as near to these two points as practicable. The following two formulas shall be used to estimate the kilowatt error of the meter at 25 percent of full scale and at 100 percent of full scale:

$$E_{25} = [E_{80} - E_{40}] / [R_{80} - R_{40}] * [R_{25} - R_{40}] + E_{40}$$

$$E_{100} = [E_{80} - E_{40}] / [R_{80} - R_{40}] * [R_{100} - R_{40}] + E_{40}$$

where:

R₂₅ and R₁₀₀ denote the kilowatt readings on the reference meter at 25 percent and 100 percent of the full scale value of the meter being tested, respectively;

R₄₀ and R₈₀ denote the kilowatt readings on the reference meter at 40 percent and 80 percent of the full scale value of the meter being tested, respectively;

E₄₀ and E₈₀ denote the kilowatt errors on the meter being tested corresponding to R₄₀ and R₈₀, respectively;

E₂₅ is the estimated kilowatt error corresponding to R₂₅; and

E₁₀₀ is the estimated kilowatt error corresponding to R₁₀₀.

The greater of these two estimated kilowatt errors, E₂₅ or E₁₀₀, shall be expressed as a percentage of the full-scale value of the meter being tested to determine if the meter meets the accuracy requirement of paragraph 25-6.052(3)(a), F.A.C.

(b) For electronic demand meters, registration error shall be determined by testing the meter at 80 percent of the manufacturer's full load rating, as read on the reference or standard meter, or as near to that point as is practicable. The percent error of registration is defined to be:

$$\text{Percent Error of Registration} = [(M_{80} - R_{80})/R_{80}] * 100$$

where:

R₈₀ is the kilowatt reading on the reference meter when the reference meter is at 80 percent of the full load rating of the metering being tested; and

M₈₀ is the corresponding kilowatt reading on the meter being tested.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Formerly 25-6.58, Amended 5-19-97, _____.

25-6.059 Meter Test by Request.

(1) No change.

(2) Should any customer request a meter test more frequently than provided for in subsection (1) of this rule, the utility may require a deposit to defray costs of testing, such deposit not to exceed fifteen dollars (\$15.00) for each test. If the meter is found to be running fast in excess of the allowable limit the deposit shall be refunded, but if the meter is below the allowable limit, the deposit may be retained by the utility as a service charge for conducting the test.

(3) No change.

(4) At the request of the customer, the utility shall make arrangements for a meter test to be conducted by an independent meter testing facility of the customer's choosing. The customer shall be responsible for negotiating and paying to the independent meter testing facility any fee charged for such a test. Such independent meter testing facilities shall, at a minimum, conform to the requirements of the American National Standard for Electric Metering, Code for Electricity Metering, ~~Seventh Edition~~ (ANSI C12.1 2001 +982). Where appropriate, the meter may be field tested. The customer shall be responsible for all the costs incurred by ~~to~~ the utility related to associated with a meter test by an independent ~~meter~~ testing facility. The utility shall provide a detailed estimate of ~~such~~ costs the utility expects to incur related to the meter test and may require payment of such costs prior to the actual meter

test. The customer shall provide to the utility a detailed estimate of charges from the independent testing facility for the meter test prior to the actual test. If the meter is found to be running fast in excess of the limits established by these rules, any payment collected by the utility related to the meter test such costs shall be refunded, but if the meter is found to be within the allowable limits established by these rules, the utility may retain any payments collected by the utility related to the meter test ~~the costs.~~

(5) No change.

(6) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained in accordance with Rule 25-6.022, F.A.C.

Specific Authority 366.05(1) FS. Law Implemented 366.05(4),(5), 366.05(3) FS. History—New 7-29-69, Amended 10-11-83, Formerly 25-6.59, Amended _____.

25-6.060 Meter Test – Referee.

(1) through (3) No change.

(4) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained in accordance with Rule 25-6.022, F.A.C.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Formerly 25-6.60, Amended _____.

25-6.103 Adjustment of Bills for Meter Error.

(1) For mechanical or lagged demand meters, the error at the customer's average billing demand over the refund period shall be used to determine the amount to refund or backbill the customer. This error shall be determined by testing the meter at both 40 percent and 80 percent of meter full scale value, as read on the standard or reference meter, or as near to these two points as is practicable. The following formula shall be used to estimate the kilowatt error of the meter at the customer's average billing demand:

$$E_{avg} = [E_{80} - E_{40}] / [M_{80} - M_{40}] * [M_{avg} - M_{40}] + E_{40}$$

where:

M_{avg} denotes the average billing demand over the refund period;

M₄₀ and M₈₀ denote the kilowatt readings on the meter being tested when the reference meter is at 40 percent and 80 percent of the full-scale value of the meter being tested, respectively;

E₄₀ and E₈₀ denote the kilowatt errors on the meter being tested corresponding to M₄₀ and M₈₀, respectively; and

E_{avg} denotes the estimated kilowatt error at the customer's average billing demand.

The kilowatt error so determined, E_{avg}, shall be expressed as a percentage of the reference meter reading corresponding to the average billing demand. This percentage shall be used to determine the corrected billing demand for each month of the refund period.

(2) For electronic meters, the percentage error to be used for refunds and backbills shall be the same percentage specified in paragraph 25-6.058(3)(b), F.A.C.

(3)(1) Over-registering Fast meters. Whenever a meter tested is found to have an error in excess of the plus tolerance allowed in Rule 25-6.052, F.A.C., the utility shall refund to the customer the amount billed in error as determined by subsection (1) or subsection (2) of this rule ~~Rule 25-6.058, F.A.C.~~, for one half the period since the last test, said one half period shall not exceed twelve (12) months; except that if it can be shown that the error was due to some cause, the date of which can be fixed, the overcharges shall be computed back to but not beyond such date based upon available records. The refund shall not include any part of any minimum charge.

(4)(2) Under-registering Slow meters.

(a) Except as provided in subsection (4)(b) of this rule ~~by this paragraph~~, a utility may backbill in the event that a meter is found to be under-registering slow, non-registering or partially registering. A utility may not backbill for any period greater than twelve (12) months ~~from the date it notifies a customer that his or her meter is slow, non-registering or partially registering~~. If it can be ascertained that the meter was under-registering slow, non-registering or partially registering for less than twelve (12) months ~~prior to notification~~, then the utility may backbill only for the lesser period of time. In any event, the customer may extend the payments of the backbill over the same amount of time for which the utility issued the backbill. ~~Nothing in this subsection shall be construed to limit the application of Rule 25-6.104, F.A.C., or prohibit a utility from backbilling for four years pursuant to subsection (5) of this rule.~~

(b) Nothing in subsection (4)(a) of this rule shall be construed to limit the application of Rule 25-6.104, F.A.C., or prohibit a utility from backbilling for four years pursuant to subsection (6) of this rule.

(c)(b) Whenever a meter is tested and not subject to Rule 25-6.104 or subsection 25-6.105(5), F.A.C., and is found to have an error in excess the minus tolerance allowed by Rule 25-6.052, F.A.C., the utility may bill the customer an amount equal to the unbilled error as determined by subsection (1) or subsection (2) of this rule. ~~Rule 25-6.058, F.A.C., in accordance with this subsection. In order to determine the amount of undercharge, the recorded consumption shall be adjusted using the amount of error found by the meter to determine the correct consumption and the customer's bills in question shall be recalculated and computed to the actual bills rendered.~~ If the utility has required a deposit for a meter test as permitted under subsection (2) of Rule 25-6.059(2), F.A.C., the customer may be billed only for that portion of the unbilled error which is in excess of the deposit retained by the utility.

(d)(e) In the event of a non-registering or a meter for which the test results are inconclusive ~~partially registering meter~~, unless the provisions of subsection (5)(3) ~~(5)(3)~~ of this rule

apply, the utility may bill the customer on an estimate based on previous bills for similar usage or on other sources of available data provided.

~~(3) It shall be understood that when a meter is found to be in error in excess of the prescribed limits, the figure to be used for calculating the amount of refund or charge in subsection (1) or paragraph (2)(b) above shall be that percentage of error as determined by the test.~~

(4) through (5) renumbered (5) through (6) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.04(1), 366.05(1),(3),(4), 366.06(1) FS. History—New 7-29-69, Amended 4-13-80, 5-3-82,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Forms and Instructions RULE NO.: 40E-1.659

PURPOSE AND EFFECT: To incorporate by reference a Notice of Environmental Resource or Surface Water Management Permit to be used for recording in the county's public records.

SUBJECT AREA TO BE ADDRESSED: Notice of Environmental Resource or Surface Water Management Permit.

SPECIFIC AUTHORITY: 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416 FS.

LAW IMPLEMENTED: 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, (561)682-2087, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anita Bain, Director, Environmental Resource Compliance Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6866 or (561)682-6866, internet: abain@sfwmd.gov; For procedural issues – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299 or (561)682-6299, internet: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form No.	Date	Title			
			0444	8-95	Application for a Standard General Permit for Incidental Site Activities
			0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G)
			0483	9-04	Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer
			0645-W01	8-03	Water Use Permit Application (RC-1A, RC-1W, RC-1G)
0108	3-91	Application to the South Florida Water Management District for a Permit for Utilization of District Works or Modification of Existing Permit Works of the District No.	0645-G60	8-03	Table A Descriptions of Wells
		Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida	0645-G61-1	8-03	Table B Description of Surface Water Pumps
			0645-G61-2	8-03	Table C Description of Culverts
			0645-G65	8-03	Table D Crop Information
0113	8-95	Surface Water Management Permit No.	0645-G74	8-03	Table E Water Received From or Distributed to Other Entities
0115	8-95	Surface Water Management Permit Modification No.	0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use
0119	8-95	Wetland Resource Permit No.	0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD)
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District	0645-G71	8-03	Table I Water Treatment Method and Losses
			0645-G72	8-03	Table J Aquifer Storage and Recovery
0123	4-95	Well Construction Permit Application	0645-G73	8-03	Table K Water Supply System Interconnections
0124	11-90	Well Completion Report			
0145	8-95	Environmental Resource Permit No.	0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/Application for a Works of the District Permit
0157	8-95	Environmental Resource Permit Modification No.			
0188-QMQ	8-03	Quarterly Report of Withdrawals			
0188-MDQ	8-03	Monthly Report of Daily Withdrawals	0830	4-94	Special Use Application and License
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells]	0881A	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification
0188-QMON	8-03	Quarterly Report of Monitoring Requirements			
0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps	0881B	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification – For Projects Permitted Prior to October 3, 1995
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops			
0188-QBWDR	8-03	Quarterly Report of Bulk Water Delivered and Received	0889	9-04	Certification of Waiver of Permit Application Processing Fee
0195	6-91	Public Water Supply Well Information and Classification	0920	9-04	Request for Conversion of District Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
0196	10-89	Water Well Inspection Scheduling Card			
0299	1-90	Water Use Permit No.			

0941	8-95	Environmental Resource Standard/Noticed General Permit No.	1024	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
0942	8-95	Surface Water Management General Permit No.	1105	6-02	Performance Bond to Demonstrate Financial Assurance
0960	9-04	Environmental Resource/Surface Water Management Permit Construction Commencement Notice	1106	6-02	Irrevocable Letter of Credit to Demonstrate Financial Assurance
0961	9-04	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction	1109	8-03	Water Use General Permit
			<u>1189</u>	<u> </u>	<u>Notice of Environmental Resource or Surface Water Management Permit</u>
					(2)(a) through (g) No change.
0970	2-04	Applicant Transmittal Form for Requested Additional Information			Specific Authority 120.53, 218.075, 373.044, 373.113, 373.4136, <u>373.416</u> FS. Law Implemented 120.53, 218.075, 373.113, 373.4135, 373.4136, <u>373.416</u> FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, _____.
0971	8-95	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit			<u>Return Recorded Document To:</u> <u>Environmental Resource Regulation</u> <u>South Florida Water Management District</u> <u>3301 Gun Club Road</u> <u>West Palm Beach, FL 33406</u>
0972	8-95	Petition for a Formal Wetland and Surface Water Determination			<u>RE: South Florida Water Management District (SFWMD)</u> <u>Environmental Resource or Surface Water Management Permit</u> <u>No. _____ (Permit)</u> <u>Notice</u>
0973	8-95	Above Ground Impoundment Inspection/Certification Report			<u>Notice is hereby given that Environmental Resource or Surface</u> <u>Water Management Permit No. _____ has been issued to</u> <u>authorize the construction, modification, or operation of a</u> <u>surface water management system to serve the real-property</u> <u>described on Exhibit “A” attached hereto and made a part</u> <u>hereof (“Premises”). This property is subject to the</u> <u>requirements and restrictions set forth in Chapter 373, Florida</u> <u>Statutes and Title 40E, Florida Administrative Code.</u>
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System			<u>Within thirty (30) days of any transfer of interest or control of</u> <u>that portion of the premises containing the surface water</u> <u>management system (or any portion thereof), the permittee</u> <u>must notify the SFWMD in writing of the property transfer.</u> <u>Notification of the transfer does not by itself constitute a</u> <u>permit transfer. Therefore, purchasers of that portion of the</u> <u>premises containing the surface water management system (or</u> <u>any portion thereof) are notified that it is unlawful for any</u> <u>person to construct, alter, operate, maintain, remove or</u> <u>abandon any stormwater management system, dam,</u> <u>impoundment, reservoir, appurtenant work or works, or any</u> <u>combination thereof, including dredging or filling, without first</u> <u>having obtained an environmental resource permit from the</u> <u>SFWMD in the purchaser’s name.</u>
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit			
1019	9-04	Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance			
1020	9-04	Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance			
1021	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance			
1022	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance			
1023	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance			

Within thirty (30) days of the completion of construction of the surface water management system, a signed and sealed construction completion certification must be submitted to SFWMD pursuant to the requirements of Rule 40E-4.361, Florida Administrative Code.

This notice is applicable to property containing the structural surface water management facilities. For purposes of this notice only, the structural surface water management facilities are limited to lakes, canals, swales, ditches, berms, dry detention areas, water control structures, pumps, culverts, inlets, roads, and wetland mitigation areas, buffers and upland compensation areas.

Conditions

The Permit is subject to the General Conditions set forth in Rule 40E-4.381, Florida Administrative Code. The Permit also contains additional Special Conditions. Accordingly, interested parties should closely examine the entire Permit, all associated applications, and any subsequent modifications.

Conflict Between Notice And Permit

This Notice of Permit is not a complete summary of the Permit. Provisions in this Notice of Permit shall not be used in interpreting the Permit provisions. In the event of conflict between this Notice of Permit and the Permit, the Permit shall control.

This Notice Is Not An Encumbrance

This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

Release

This Notice may not be released or removed from the public records without the prior written consent of the South Florida Water Management District.

This Notice of Permit is executed on this _____ day of _____, 20__.

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____. He/She is personally known to me or has produced _____ as identification.

(seal)

Notary Public

Print

My Commission Expires: _____

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: _____ RULE NO.: _____

Publications, Rules and Interagency

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: To provide an alternative noticing mechanism to property owners and streamline the processing of requests for conversion of surface water management and environmental resource permits to the operation phase; to make minor corrections to Appendix 6 of the Basis of Review for Environmental Resource Permits Within the South Florida Water Management District; and to add references to previously adopted financial assurance forms.

SUBJECT AREA TO BE ADDRESSED: Section 4.3.7.6 Financial Responsibility Mechanisms, Section 4.4.4.7 pertaining to financial assurance, Section 9.2.4 Association Requirements, and Sections 2.1.1.1 Dikes and 2.1.2.2 Design Water Depth of Appendix 6 of the Basis of Review for Environmental Resource Permit Applications Within The South Florida Water Management District.

SPECIFIC AUTHORITY: 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, (561)682-2087, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For questions regarding the alternative noticing mechanism – Anita Bain, Director, Environmental Resource Compliance Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6866 or (561)682-6866, internet: abain@sfwmd.gov; For all other questions – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299 or (561)682-6299, internet: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – _____ December 7, 2004".

(b) through (k) No change.

(2) No change.

Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, _____.

(The following represents proposed changes to the document entitled "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – December 7, 2004" incorporated by reference in Rule 40E-4.091, F.A.C.)

4.3.7.6 Financial Responsibility Mechanisms

Financial responsibility for the mitigation, monitoring and corrective action for the project may be established by any of the following methods, at the discretion of the applicant, and in substantial conformance with the forms referenced below:

(a) Performance bond (See Form No. 1105, incorporated by reference in Rule 40E-1.659, F.A.C.);

(b) Irrevocable letter of credit (See Form No. 1106, incorporated by reference in Rule 40E-1.659, F.A.C.);

4.4.4.7 Draft documentation of financial responsibility meeting the requirements of section 4.4.10, and in substantial conformance with the Mitigation Bank Financial Assurance Form Nos. 1019 through 1024, incorporated by reference in Rule 40E-1.659, F.A.C.

9.2.4

A Notice of Environmental Resource Permit or Surface Water Management Permit shall be attached to the rules and regulations as an exhibit or recorded in the public records of the County(s) where the property is located. The environmental resource or surface water management permit and its conditions shall be attached to the rules and regulations as an exhibit. The Registered Agent for the Association shall maintain copies of all ~~other~~ permitting actions for the benefit of the association.

APPENDIX 6

ABOVE GROUND IMPOUNDMENTS

2.1.1.1 Dikes – shall be designed based on field test data of subsurface conditions and actual procedures and materials to be used in construction. Seepage and piping shall be considered and cutoff walls and toe drains included where necessary. Dimensions shall be such as to allow maintenance by normal equipment. Recommended side slopes for vegetated

earth should be no steeper than 2 1/2:1 (horizontal to vertical) for external slopes and 3:1 (horizontal to vertical) for internal slopes. Top widths should be of sufficient width to allow safe vehicular access and no less than twelve feet. Dike toes should be continually accessible by vehicle by relatively level to berms of at least ten feet width. Dikes and toe berms should be widened at strategic points for vehicular turnaround or where necessary to load stockpiled material to be used for dike repair.
2.1.2.2 Design water depth – As determined by routing the project allowable discharge design event through the inflow and outflow structures with rainfall on the reservoir. The three day 25 year event should typically be used as a minimum.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Content of Permit Applications
RULE NO.: 40E-4.101

PURPOSE AND EFFECT: To expand the noticing aspect of Rule 40E-4.101, F.A.C., to require recording of a Notice of Environmental Resource or Surface Water Management Permit for standard general permits in the public records of the county where the property is located. The purpose is to provide sellers and purchasers of real property containing a surface water management system with notice that there is a standard general permit and that the permit does not run with the land and therefore must be transferred. The notice shall not operate as an encumbrance.

SUBJECT AREA TO BE ADDRESSED: Recording of a Notice of Environmental Resource or Surface Water Management Permit in the public records of the county where the property is located.

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.117, 373.413, 373.416, 373.426 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, (561)682-2087, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anita Bain, Director, Environmental Resource Compliance Division, South Florida Water Management District, Post Office Box 24680,

West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6866 or (561)682-6866, internet: abain@sfwmd.gov; For procedural issues: Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299 or (561)682-6299, internet: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.101 Content of Permit Applications.

(1) No change.

(2) The application must be signed by the owner or the owner’s authorized agent and include documentation of ownership. Applications signed by agents must contain a letter of authorization which is signed by the owner. Those having the right to exercise the power of eminent domain or having a contract to purchase real property may apply for a permit, however, the permit shall prohibit commencement of work until the permittee provides proof of ownership to the District. A permit shall only be issued to the record title holder, holder of a recorded easement conveying the right to utilize the property for a purpose consistent with the authorization requested in the permit application, those having the right to exercise the power of eminent domain or having a contract to purchase real property. A Notice of ~~Individual~~ Environmental Resource or Surface Water Management Permit Form No. 1189 shall be recorded filed in the public records of the county where the property is located. This notice shall not be considered an encumbrance upon the property.

(3) through (4) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, 4-14-03, 8-14-03,

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Definitions RULE NO.: 59G-1.010

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the definitions, which are applicable to the Florida Medicaid program, in accordance with Sections 409.901 through 409.9201, F.S.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.901-.9201 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

DATE AND TIME: 2:00 p.m., Monday, September 12, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Blvd., Bldg. 3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kelly Bennett, Medicaid Services, 2727 Mahan Drive, Mail Stop 6, Tallahassee, Florida 32308-5407, (850)921-1802

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-1.010 Definitions.

The following definitions are applicable to all Sections of Title 59G, F.A.C., unless specifically stated otherwise in one of those Sections. These definitions do not apply to any Agency for Health Care Administration (Agency), Medicaid program rules other than those in Title 59G, F.A.C.:

(1) “Abuse” ~~is as defined in Section 409.913(1)(a), F.S., and means provider practices that are inconsistent with sound fiscal, business, or professional practices and result in an unnecessary cost to the Medicaid program, or in reimbursement for medical or allied care, goods, or services that are not medically necessary or that fail to meet professionally recognized standards for health care.~~ It includes, but is not limited to, any unintentional violation of federal or state laws, regulations, rules, policies, directives or agreements relating to the Medicaid program. ~~It also includes, or misutilization, whether intentional or inadvertent, including inappropriate prescribing, dispensing, or otherwise furnishing drugs or other medical or allied care, goods, or services by a provider.~~ It also includes recipient practices that result in unnecessary cost to the Medicaid program.

(2) “Active treatment plan” means ~~an~~ individually written plan of care or service implementation plan specific to an individual and which sets ~~setting~~ forth measurable goals or objectives stated in terms of desirable behavior and prescribing an integrated program of activities, experiences, or therapeutic interventions necessary for an individual to reach those goals or objectives. As applied to the community behavioral ~~mental~~ health program, developmentally disabled recipients in the nursing home program, and intermediate care facility for the ~~mentally retarded/~~ developmentally disabled program, an active treatment plan focuses on treatment and services to address mental illness or ~~mental retardation or other~~ developmental disabilities.

(3) through (7) No change.

(8) “Administrative sanctions” means ~~termination from the Medicaid program, suspension from the Medicaid program, a monetary fine, or any other penalty permitted by law other than a criminal penalty~~ the disincentives set forth in Sections 409.913(13), (14), (15), and (16), F.S. and Rule 59G-9.070, F.A.C.

(9) through (21) No change.

(22) “Audit” means:

(a) An examination of “records for audit” supporting amounts reported in the annual cost report or in order to determine the correctness and propriety of the report; or

(b) An analysis of documentation prepared in accordance with Medicaid policy and procedures ~~“records for audit”~~ supporting a provider’s claim activity for a recipient’s goods or services during a set period of time year or less of claims activity in order to determine whether Medicaid payments are or were due and the amounts thereof, ~~with claim activity for each separate year constituting a separate audit.~~ The term “audit” also comprehends discussions and interviews related to said examination or analysis. Also see ~~“records for audit.”~~

(23) through (28) No change.

(29) “Bribe, Kickback, or Illegal Solicitation” means:

(a) Knowingly and willfully soliciting or receiving any remuneration directly or indirectly, overtly or covertly, in cash or in kind, from any person in return for:

1. Referring or taking an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under the Medicaid or other health care program unless such arrangement has been made with or approved by the Agency department, or

2. Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering any good, facility, service or item for which payment may be made in whole or in part under the Medicaid program or other health care program unless such arrangement has been made with or approved by the Agency department.

(b) Knowingly or willfully offering or paying any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to any person to induce such person to:

1. Refer or take an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under the Medicaid program or other health care program, unless such arrangement has been made with or approved by the Agency department, or

2. Purchase, lease, order, arrange for any recommended purchase, lease, or order of any good, facility, service or item for which payment may be made in whole or in part under the Medicaid program or other health care program, unless such arrangement has been made with or approved by the Agency department.

(30) through (78) No change.

(79) “Erroneous Payment” means a payment made to a Medicaid recipient, provider, or other person to which he is not entitled and which is caused by intentional or inadvertent error by the recipient, provider, or other person, ~~or is payment for a claim which is false, fictitious, fraudulent, or willfully misrepresented, or is payment for a claim for medical or allied care, goods, or services furnished as the result of illegal solicitation.~~

(80) through (134) No change.

(134) “Investigation” means the activities to determine whether there exist issues of non-compliance with the laws, rules or policies governing the Medicaid Program, and other laws under which the Agency has authority See Audit.”.

(135) through (141) No change.

(142) “Lock-in” means the restriction of a Medicaid recipient to a single ~~primary care~~ provider or ~~prepaid~~ health plan ~~that who~~ is enrolled or under contract with the Agency agency and that who agrees to be responsible for the provision or authorization of ~~all primary care and patient management~~ services for that recipient.

(143) through (165) No change.

(166) “Medically necessary” or “medical necessity” means that the medical or allied care, goods, or services furnished or ordered must:

(a) Meet the following conditions:

1. Be necessary to protect life, to prevent significant illness or significant disability, or to alleviate severe pain;

2. Be individualized, specific, and consistent with symptoms or confirmed diagnosis of the illness or injury under treatment, and not in excess of the patient’s needs;

3. Be consistent with generally accepted professional medical standards as determined by the Medicaid program, and not experimental or investigational;

4. Be reflective of the level of service that can be safely furnished, and for which no equally effective and more conservative or less costly treatment is available; statewide; and

5. Be furnished in a manner not primarily intended for the convenience of the recipient, the recipient’s caretaker, or the provider.

(b) “Medically necessary” or “medical necessity” for inpatient hospital services requires that those services furnished in a hospital on an inpatient basis could not, consistent with the provisions of appropriate medical care, be effectively furnished more economically on an outpatient basis or in an inpatient facility of a different type.

(c) The fact that a provider has prescribed, recommended, or approved medical or allied care, goods, or services does not, in itself, make such care, goods or services medically necessary or a medical necessity or a covered service.

For purposes of determining Medicaid reimbursement, the agency is the final arbiter of medical necessity. Determinations of medical necessity must be made by a licensed physician employed by or under contract with the agency and must be based upon information available at the time the goods or services are provided.

(167) through (171) No change.

(172) “Monitor” means to perform evaluation of a provider’s practice an audit. See “Audit.”

(173) through (190) No change.

(191) "Overpayment" is as set forth in Section 409.913, F.S. means a payment to any recipient, provider, or other person for medical or allied care, goods or services furnished to a recipient to which the recipient, the provider, or the other person is not entitled as determined by the Medicaid program, and which:

(a) Is not caused by intentional or inadvertent error by the recipient, the provider, or the other person;

(b) Is not payment for a claim for medical or allied care, goods, or services furnished as the result of illegal solicitation, and;

(c) Is caused solely by an error on the part of the Department.

(192) though (196) No change.

(197) "Peer" means a person who has equal professional status with a Medicaid provider of a specific type or specialty. Where a person with equal professional status is not reasonably available, a peer includes a person with substantially similar professional status.

(198) "Peer review" means an evaluation of the professional practices of a Medicaid provider by a peer or peers of the provider in order to assess the necessity, appropriateness, and quality of care furnished as such care is compared to that customarily furnished by the provider's peers and to recognized health care standards. A peer reviewer may be employed by the Agency to provide medical or allied consulting services.

(199) "Peer review committee" means a committee of a provider's peers that has contracted with the Agency department to review and report on the professional practices of the provider at the Agency's department direction.

(200) though (241) No change.

(242) "Recipient" or "Medicaid recipient" means any individual whom the Agency department, Department of Children and Families or the Social Security Administration on behalf of the Department of Children and Families, determines is eligible, pursuant to federal and state law, to receive medical or allied care, goods, or services for which the Agency department may make payments under the Medicaid program and is enrolled in the Medicaid program. For the purposes of determining third party liability, the term includes an individual formerly determined to be eligible for Medicaid, an individual who has received medical assistance under the Medicaid program, or an individual on whose behalf Medicaid has become obligated.

Specific Authority 409.919 FS. Law Implemented 409.901-9201 409.920 FS. History--New 4-29-93, Formerly 10P-1.010, Amended 6-24-98.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLE: Filing Initial and Additional Claims; Reopening Previously Filed Claims

RULE NO.: 60BB-3.013

PURPOSE AND EFFECT: This rule implements the federal requirement that a claimant filing for unemployment compensation benefits must disclose any pending child support obligations in accordance with 42 USC 503 (e)(2)(A)(i).

SUBJECT AREA TO BE ADDRESSED: Unemployment Compensation Claims and Benefits.

SPECIFIC AUTHORITY: 120.53(1)(b), 120.54(6), 443.171(2)(a) FS.

LAW IMPLEMENTED: 443.036(8), 443.091(1), 443.051 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mindy Raymaker, Deputy General Counsel, Agency for Workforce Innovation, 107 E. Madison Street, MSC 110, Tallahassee, FL 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-3.013 Filing Initial and Additional Claims; Reopening Previously Filed Claims.

(1) through (2) No change.

(3) Disclosure of Support Obligations.

Each individual filing a new or additional claim for unemployment compensation must disclose at the time of filing whether support obligations are owed and being enforced by a child support agency.

(3) through (4) renumbered (4) through (5) No change.

Specific Authority 120.53(1)(b), 120.54(6), 443.171(2)(a) FS. Law Implemented 443.036(8), 443.091(1), 443.051 FS. History--New 8-25-92, Formerly 38B-3.013, Amended

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLE: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees

RULE NO.: 61G3-20.002

PURPOSE AND EFFECT: The Board proposes to amend the rule to change the examination and the reexamination fee allocation for the restricted barbers written portion of the examination.

SUBJECT AREA TO BE ADDRESSED: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

SPECIFIC AUTHORITY: 455.2171, 476.064(4), 476.192 FS.
LAW IMPLEMENTED: 455.2171, 476.192 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.002 Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

(1) No change.

(2) The application fee for licensure by means of examination and reexamination for restricted barbers shall be as follows:

Method of Licensure: Application fee:

(a) Examination and Reexamination

1. Practical Portion The application fee for both the examination and reexamination for the practical portion shall be seventy-five dollars (\$75.00). All fees shall be payable to the Department.

2. Written Portion The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$75.00). Seventy dollars and fifty cents (\$70.50) ~~Sixty-one dollars and fifty cents (\$61.50)~~ of both the examination and the reexamination application fee for the written portion of the examination shall be paid to the Department and four dollars and fifty cents (\$4.50) ~~thirteen dollars and fifty cents (\$13.50)~~ shall be paid to the professional testing service.

(3) No change.

Specific Authority 455.2171, 476.064(4), 476.192 FS. Law Implemented 455.2171, 476.192 FS. History—New 7-16-80, Amended 6-30-83, 10-17-85, Formerly 21C-20.02, Amended 12-15-87, 5-11-88, Formerly 21C-20.002, Amended 9-21-94, 11-6-00, 2-19-04, 8-8-04, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLE: Biennial Licensing RULE NO.: 64B-9.001

PURPOSE AND EFFECT: To update the existing text based upon new legislation.

SUBJECT AREA TO BE ADDRESSED: Biennial Licensing for certified nursing assistants.

SPECIFIC AUTHORITY: 456.004(1) FS.

LAW IMPLEMENTED: 456.004(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stephanie Duhart, OMC Manager, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Initial Fee for Licensure and Wall Certificate RULE NO.: 64B19-12.0041

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Initial Fee for Licensure and Wall Certificate.

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 456.013(2), 490.005(1)(a), 490.006(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reactivation Fee and Change of Status Fee
 RULE NO.: 64B19-12.006

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Reactivation Fee and Change of Status Fee.

SPECIFIC AUTHORITY: 456.036(4) FS.

LAW IMPLEMENTED: 456.025, 456.036(4),(8) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Renewal of Inactive Licenses
 RULE NO.: 64B19-13.002

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Renewal of Inactive Licenses.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Continuing Psychological Education Credit
 RULE NO.: 64B19-13.003

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Psychological Education Credit.

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(7), 490.007(2), 490.0085(1),(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reactivation of Inactive Licenses
 RULE NO.: 64B19-15.003

PURPOSE AND EFFECT: The Board proposes the rule amendment to specify the continuing education requirements and at what point the licensee must submit proof of continuing education.

SUBJECT AREA TO BE ADDRESSED: Licensees with inactive or active licenses are to submit proof of continuing education each full biennium.

SPECIFIC AUTHORITY: 456.036, 490.004(5) FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-15.003 Reactivation of Inactive Licenses.

(1) No change.

(2) In addition, the licensee must submit proof that the licensee has obtained forty (40) hours of continuing education that meets the requirements of subsection 64B19-13.003(3), F.A.C., for each full biennium in which the license was in an inactive status and for the last full biennium in which the licensee held an active status license or part thereof inactive licensure status. Finally, the licensee must either report any disciplinary action that has been taken against the licensee. If the licensee has any outstanding administrative fines, the license may not be restored to active status until the administrative fines are paid.

Specific Authority 456.036, 490.004(5) FS. Law Implemented 456.036 FS. History—New 1-19-84, Formerly 21U-13.015, 21U-19.003, 61F13-19.003, Amended 1-7-96, Formerly 59AA-15.003, Amended 8-5-01, 3-25-02,

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B19-17.002

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079, 490.004(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE CHAPTER TITLE: Rules for Self-Insurers Under the Workers' Compensation Act
RULE CHAPTER NO.: 69L-5

RULE TITLE: General Requirements
RULE NO.: 69L-5.102

PURPOSE AND EFFECT: To require employers seeking self-insured status under Section 440.38(6), F.S., to submit an application for purposes of the Department making a determination as to whether the employer qualifies as a self-insurer under Section 440.38(6), F.S. The proposed rule amendment deletes language exempting employers subject to Section 440.38(6), F.S. from complying with the qualifying and application requirements and replaces it with language that imposes a mandatory qualification and application process upon such employers for purposes of the Department making a determination as to whether the employer qualifies as a self-insurer under Section 440.38(6), F.S.

SUBJECT AREA TO BE ADDRESSED: Self-insured status of employers under Section 440.38(6), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 440.38(2)(b), 440.591 FS.

LAW IMPLEMENTED: 440.38(6) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., October 6, 2005

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gregory Jenkins, Chief of Monitoring and Audit, Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-5.102 General Requirements.

(1) An entity that is filing to be self-insured pursuant to Section 440.38(6), F.S., shall submit to the Division for review at least 90 days prior to the preferred effective date the

following information: Employers within the scope of Section 440.38(6), Florida Statutes, shall be exempt from qualifying for self-insurance, but shall submit their intent to self-insure in writing to the division. These self-insurers shall not be required to submit an application, financial statement, security deposit, actuary report or proof of excess insurance. All other requirements established by these rules shall apply.

(a) Application For Governmental Self-Insurance, Form DFS-F2-SI-1G, incorporated by reference into rule (rev. 8/05).

(b) Application For Self-Insurance Estimated Payroll, Form DFS-F2-SIEP, incorporated by reference into rule (rev. 8/05).

(c) Certification of Servicing, Form SI-19, incorporated by reference into Rule 69L-5.117, F.A.C.

(d) National Council on Compensation Insurance (NCCI) Experience Rating Worksheet for the applicant's current year.

(e) Copy of document(s) through which applicant is organized and/or authorized to operate as a governmental entity, including but not limited to articles of incorporation, grant of authority, or charter.

(f) Legal memorandum presenting evidence that the applicant meets the scope of Section 440.38(6), F.S.

(g) The application and supporting documentation shall be submitted to the following address:

Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(h) Upon receipt of the application and supporting documentation, the Division shall determine if the applicant is within the scope of Section 440.38(6), F.S.

All other requirements established by these rules shall apply.

(2) through (3) No change.

(4) Forms adopted. The forms set forth in paragraphs (1)(a) and (b), as well as the accompanying instructions to the forms, are hereby adopted. Copies of the forms are available from the Division of Workers' Compensation, Bureau of Monitoring and Audit, Self-insurance Section, 2012 Capital Circle, S. E., Hartman Building, Suite 200, Tallahassee, FL 32399-4224.

Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(6) FS. History--New 5-19-97, Formerly 38F-5.102, 4L-5.102, Amended _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Forms and Disclosure Requirements
 RULE NO.: 69O-167.013
 PURPOSE AND EFFECT: To implement the provisions of SB 1486(2005) by: (1) specifying the requirements to "prominently display" the actual dollar value of the hurricane deductible on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice for any personal lines

residential property insurance policy containing a separate hurricane deductible or an inflation guard rider; and (2) developing a comprehensive checklist of coverage forms that insurers must deliver to policyholders, prior to issuance or accompanying delivery of, a basic homeowners', mobile homeowners', dwelling, or condominium unit owners policy. The coverage checklist forms being developed must contain a list of the standard provisions and elements that are typically included in these types of policies, whether or not they are included in the particular policy being issued, in a format that allows the insurer to place a check mark next to the provisions and elements that are included in the particular policy being issued, so that the consumer can see both what is included and what is not included in the policy.

SUBJECT AREA TO BE ADDRESSED: Forms and disclosure requirements.

SPECIFIC AUTHORITY: 624.308(1), 627.4143, 627.701 FS.

LAW IMPLEMENTED: 627.4143 627.701 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., September 16, 2005

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: michael.milnes@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Forms
 RULE NO.: 69O-170.0155

PURPOSE AND EFFECT: To adopt forms that will be available for electronic viewing and downloading from the Office of Insurance Regulation or Department of Financial Services Internet websites, which notify the applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability and the range of each premium discount, credit, other rate differential, or reduction in deductibles for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can be or have been installed or implemented. The

forms also describe generally what actions the policyholders may be able to take to reduce their windstorm premium and provide a list of premium discount, credit, other rate differential, or reduction in deductible ranges that have been approved by the office for each insurer licensed in the state.

SUBJECT AREA TO BE ADDRESSED: Forms development and disclosure requirements.

SPECIFIC AUTHORITY: 624.308(1), 627.711 FS.

LAW IMPLEMENTED: 627.711 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., September 16, 2005

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: michael.milnes@fldfs.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILBLE.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: RULE NO.:

Medical Malpractice Insurance 690-171.009
Open Claims Reporting

PURPOSE AND EFFECT: To develop rules to give the Office the ability to monitor losses and claims development in the Florida medical malpractice insurance market by establishment of an open claims database.

SUBJECT AREA TO BE ADDRESSED: Monitoring losses and claims development in the Florida medical malpractice insurance market.

SPECIFIC AUTHORITY: 624.308, 627.912(7) FS.

LAW IMPLEMENTED: 624.307, 627.912 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., September 22, 2005

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Claude Mueller, Director, Property and Casualty Financial Oversight, Office of Insurance Regulation, e-mail: claude.mueller@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES:	RULE NOS.:
Standards of National Fire Protection Association Adopted	5F-11.002
Approval of Liquefied Petroleum Gas Containers	5F-11.027
Installation of Containers on Roofs of Buildings	5F-11.028
Inspection of DOT Cylinders	5F-11.029
Out of Service Account Procedure	5F-11.043
Out-of-Gas, Leak Call, and Interrupted Service Procedure	5F-11.044
Dispensing Units	5F-11.045
Introducing Gas into Containers for Transportation; Dealer to Insure Compliance	5F-11.046
Installation of Unvented Room Heaters	5F-11.050

PURPOSE AND EFFECT: The purpose of these rule revisions is to adopt the 2004 edition of National Fire Protection Association Standard #58, The LP-Gas Code, as well as the 2002 edition of National Fire Protection Association Standard #54, the National Fuel Gas Code and to revise references within the existing rules to be consistent with these codes.

SUMMARY: This rule amends specific sections of Chapter 5F-11, F.A.C., to adopt and be consistent with current codes. References to specific sections of the codes have been changed, to reflect changes in the code numbers and sections.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of regulatory costs has been prepared, as costs are anticipated to be minimal.